APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,083	12/23/1999	RAJEEV KOODLI	730.37334X00	6982

20457 7590 11/17/2004	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP	NALVEN, ANDREW L	

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-9889

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)
	09/471,083	KOODLI ET AL.
	Examiner	Art Unit
	Andrew L Nalven	2134

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1-20*.

    Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☒ Other: *Please see attached sheet "TCP/IP Suite" by Protocols.com*

Continuation of 5. does NOT place the application in condition for allowance because: Examiner contends that the combination of Levesque et al (US Patent No. 5,825,891) and Denker (US Patent No. 5,825,891) do teach all the limitations of claims 1 and 11. Please see paragraph 9 of final rejection mailed 7/21/2004. Applicant has argued against this combination by stating that Levesque and Denker fail to teach "prior to encrypting security processing on a payload of a packet, storing information corresponding to selected information normally included in a payload of the packet in a field in a header of the packet where the field is not subject to encrypting security processing, the selected information including transport level information usable by intermediate nodes between a sending node and a receiving node to provide value added services relative to the transmission." Examiner respectfully disagrees. Levesque teaches the storing of information in the header of the packet, prior to encrypting security processing, where the field is not subject to encrypting security processing (Levesque, column 3 lines 22-25, header loaded before security network driver issues an encryption call). Denker teaches that the transport level information usable by intermediate nodes between a sending node and a receiving node is used to provide value added services relative to the transmission (Denker, column 3 lines 25-65, port number placed in sequence number field). Applicant has argued on Page 4 that Denker does not suggest that a port number is normally included in the payload of a packet. Examiner notes that a port number is data that is normally included in a TCP packet. TCP packets are found in the payload of IP packets and thus, the inclusion of a port number in the sequence number field of a packet header is an example of including transport level information normally included in the payload of a packet in the header of a packet. Examiner has provided "TCP/IP Suite" by Protocols.com to show evidence of a port number being normally included in the payload of a packet (see Page 3 - Data and Page 6 TCP). The transport level information that Denker includes is usable by an intermediate node for the value-added service of preventing SYN attacks (Denker, column 3 lines 25-30) or providing methods of recognizing and shutting down half open connections (Denker, column 3 lines 51-55). By preventing SYN attacks, intermediate nodes provide the value-added service of policing.

Applicant has argued on page 6 that the combination of Levesque, Denker, and Atkinson (RFC 2401) fail to disclose the encapsulating security payload (ESP) or authentication header (AH) protocol. Examiner respectfully disagrees. Examiner contends that Atkinson teaches the use of ESP and AH in IP security (Atkinson, Sections 3.1-3.2 and 4.1).

GR█████ MORSE
SUPER█ ENT EXAMINER
T█ CENTER 2100

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